

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEVELOPMENTAL SERVICES OF)	
NEBRASKA,)	
)	
Plaintiff,)	4:04CV3272
)	
v.)	
)	
CITY OF LINCOLN and DENNIS)	MEMORANDUM AND ORDER
HOHBEIN,)	
)	
Defendants.)	
_____)	

A telephone conference was held this date for the purpose of hearing the parties' positions with respect to the pending motion to quash filed by deponents Jonathan Cook and Dan Marvin. All parties and the deponents were represented by counsel. The court heard the arguments of counsel and made the ruling which appears below.

IT THEREFORE HEREBY IS ORDERED:

1. The motion for hearing, filing 128, is granted.
2. The motion to quash, filing 127, is denied, with this caveat: If there is a subsequent motion to terminate one or both of the depositions or for protective order based on the length of the duration of the deposition, the court will presume that a duration of more than three hours is abusive, in the absence of an evidentiary showing to the contrary.

DATED this 23rd day of May, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge